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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES OF AMERICA

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	) Magistrate Case No.:'08 MJ 8363
v.	) COMPLAINT FOR VIOLATION OF:
Jose Martin MEDINA-Aguirre	) Title 8, U.S.C., Sec., 1326) Attempted Entry After Deportation
Defendant.	)

The undersigned complainant, being duly sworn, states:

On April 29, 2008, within the Southern District of California, the defendant Jose Martin MEDINA-Aguirre, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose, i.e., conscious desire, to enter the United States at the Calexico Port of Entry without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts which is incorporated herein by reference.

JOSE L. BOLANOS
CBP ENFORCEMENT OFFICER

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 30TH DAY OF APRIL, 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v
Jose Martin MEDINA-Aguirre

STATEMENT OF FACTS

The complainant, states that this complaint is based upon the arrest reports of the apprehending officers and the investigation report submitted by Customs Border Protection Enforcement Officer Jose L. Bolanos.

On April 29, 2008, at approximately 1:30 P.M., a male individual, later identified as Jose Martin MEDINA-Aguirre (Defendant), attempted to enter the United States from Mexico at the Calexico West Port of Entry, via pedestrian primary. Defendant presented a DSP-150 Laser Visa card bearing the name of Jorge Alberto SINGH-Ibarra as his entry document to Customs and Border Protection (CBP) Officer Garcia. Defendant told CBP Officer Garcia that he was going shopping in Calexico. CBP Officer Garcia believed defendant was an imposter because he did not resemble the individual depicted in the DSP-150 he had presented. Consequently, CBP Officer Garcia escorted the defendant to pedestrian secondary office for further inspection.

During secondary inspection, a records check revealed the defendant was ordered deported by an Immigration Judge on December 19, 2007. The defendant was deported to Mexico on April 5, 2008.

Immigration service records indicate no evidence that defendant has applied for, nor received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally re-enter the United States.

Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted he is a citizen and native of Mexico by virtue of birth in Guadalajara, Jalisco, Mexico, and was going to La Habra, California, to reunite with his daughter and resume his employment. Defendant further admitted he was previously deported from the United States by an Immigration Judge. Defendant further admitted he attempted to enter the United States from Mexico by presenting a DSP-150 card not belonging to him, and that he has not applied for, nor received, permission to legally re-enter the United States.